

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

ZACHARY HRASKY, )

Defendant. )

4:04CR3136

**MEMORANDUM AND ORDER**

The government has conceded that the defendant's conviction must be vacated given a recent decision of the Supreme Court and the Court of Appeals has issued an opinion so ordering. Under these circumstances, there is no need to await receipt of the mandate.

IT IS ORDERED that Zachary Hrasky's judgment of conviction (filing 97) is vacated and held for naught. He is released from all further supervision. The Clerk shall provide a copy of this document to counsel of record and the Kelly T. Nelson, United States Probation Officer.

DATED this 10<sup>th</sup> day of June, 2009.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge